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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,434	06/09/2006	Li Yadong	D8888.0001	4874

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DICKSTEIN SHAPIRO LLP  
1633 Broadway  
NEW YORK, NY 10019

EXAMINER
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FONSECA, JESSIE T

ART UNIT	PAPER NUMBER
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3633

MAIL DATE	DELIVERY MODE
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08/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/582,434

Applicant(s)

YADONG, LI

Examiner

JESSIE FONSECA

Art Unit

3633

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1 and 2.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). 7/16/09  
13. ☐ Other: \_\_\_\_\_.

/Robert J Canfield/  
Supervisory Patent Examiner, Art Unit 3635

/J. F./  
Examiner, Art Unit 3633

Continuation of 11. does NOT place the application in condition for allowance because: The information disclosure statement of 7/16/09 has not been considered as it was not filed before the mailing date of the Final Office Action. No statement under 1.97(d) has been provided in order to prompt the consideration of the information disclosure statement.

Claims 1-2 would be rejected under 35 USC 103 to Moriau et al. per the final rejection of 4/21/09.

The proposed amendment to the claims overcome the 112 2nd paragraph rejection of claims 1-2 and the objection of claim 2. Accordingly, the rejection of claims 1-2 under 112 2<sup>nd</sup> paragraph and the objection of claim 1 has been withdrawn.

Applicant argues that Moriau et al. does not recognize the angle of surface 76 is a result effected variable, therefore Examiner's conclusion of routine experimentation cannot be supported. Applicant further argues that although Moriau et al. teaches angle A, the drawings are not to scale, therefore reliance of angle A to teach a specific angle of surface 76 is improper.

In response to applicant's arguments that drawings are not to scale, Examiner submits the rejection merely makes note that the angle of surface 76 (designated 'O' in the Office Action) with respect to the upper surface of panel is less inclined than that of angle A, which Moriau et al. discloses in figures 22-23 and col. 11, lines 39-48. Further, Moriau et al. is not completely silent to the proportions of the elements and it's associated resultant effects as argued. As noted in the cited section above, Moriau et al. recognizes the inclination of surface 76 is weaker (less inclined) than the surface 75 for engagement and guidance of the coupling parts. Accordingly, it would have been an obvious matter of design choice to one of ordinary skill in the art at the time of invention to provide an angle range, such as that of the claimed range, in order to provide a smooth locking of elements over one another for ease of installation. As acknowledged by applicant, Moriau et al. discloses installing the panels in a flat configuration without rotation during installation, which Examiner notes is applicant's reason for having an angle range of 15-35 degrees. Accordingly, the panel of Moriau et al. would be expected to perform equally well to applicant's claimed panel.